

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUSMAN GODFREY LLP,

Plaintiff

v.

EXECUTIVE OFFICE OF THE
PRESIDENT, et al.

Defendants

Case No. 1:25-cv-01107

Judge Loren L. AliKhan

**BRIEF OF *AMICI CURIAE* 1129 LAW STUDENTS AND 51 LAW STUDENT
ORGANIZATIONS IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT**

Shanin Specter
Charles L. Becker
Jordan K. Merson
Corrie A. Woods
Kline & Specter, PC
1525 Locust Street Philadelphia,
PA 19102
(215) 772-1000
shanin.specter@klinespecter.com
chip.becker@klinespecter.com
jordan.merson@klinespecter.com
corrie.woods@klinespecter.com

Spencer J. Pahlke
Walkup, Melodia, Kelly, &
Schoenberger
650 California Street, 26th Floor
San Francisco, CA 94108
(415) 981-7210
spahlke@walkuplawoffice.com

Counsel for *Amici Curiae*

CORPORATE DISCLOSURE STATEMENT

Amici curiae are law students and law student organizations. They have no parent corporations and do not issue stock.

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TABLE OF AUTHORITIES

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INTEREST OF AMICI CURIAE

Amici are 1129 law students and 51 law student organizations from law schools across the United States.¹ They are diverse geographically, economically, socially, and politically. They study law for different reasons. They will go on to represent a wide range of clients and causes. Yet *amici* are united in one fundamental respect. They have dedicated themselves to the idea that we are a society governed by laws, not by raw power. They recognize that the executive order attacks their chosen profession. It attacks the values that cause law practice to be meaningful in American life. *Amici* ask this Court to protect the legal profession they are preparing to join and the core values that the profession serves.²

ARGUMENT

The executive order at issue in this litigation (and similar executive orders) represent government reprisal against law firms for taking up representations disfavored by those in control of the executive branch of the government. As described by Plaintiff and other *amici*, these orders represent unacceptable intrusions on professional independence and the rule of law. They will undermine the profession's bedrock principles and ethics. They will reduce the opportunities that law practice provides. Unless enjoined by the Court, the orders will cause enduring damage to the legal profession and *amici* as America's future lawyers.

Our society has functioned for centuries on the understanding that lawyers are free and even encouraged to take up disfavored representations, that every person deserves due process and

¹ Individual *amici* are identified in Appendix A.

² *Amici* certify that this brief was authored entirely by counsel for *amici curiae* and not by counsel for any party, in whole or in part; that no party or counsel for any party contributed money to fund preparing or submitting this brief; and that, apart from counsel for *amici curiae*, no other person contributed money to fund preparing or submitting this brief. *See* Fed.R.App.P. 29(a)(4)(E).

their day in court. For just as long, young people have been called to the law to renew that promise and to participate in America's legal institutions. Like so many before them, *amici* have expended considerable money, time, and effort to join the legal profession. They have deprived themselves of income from other possible employment. They have attended law school, studied difficult fields of law, and learned principles of legal ethics. They have clerked for law firms and judges during the summer and school year. They have planned for their future on the understanding that the legal profession represents a valuable and honorable profession.

The executive order compromises the premise on which *amici* have labored to become lawyers. In the world envisioned by the executive order, any lawyer who undertakes a representation disfavored by the executive branch of the government can be ruined through a government-run blacklist. Lawyers who are associated with that lawyer because they work in the same firm also can be ruined. This has serious implications for *amici* as America's future lawyers. Under the fear-based system created by the executive order, law firms will be encouraged to withdraw from or decline to undertake representations that are disfavored by the executive branch. They will be encouraged to not articulate claims or defenses that are similarly disfavored. They may be encouraged to entirely avoid representations adverse to the government. America's legal system has been one the country's greatest assets; yet companies also may do less business in the United States if weakened legal institutions expose them to greater risk. For these reasons and more, in the world created by this executive order, there may be fewer opportunities for young lawyers to work, learn, and grow. The practice of law also may become less professionally satisfying and constrained by fewer economic opportunities.

Beyond that, *amici* now must wonder whether their professional prospects will be harmed by having accepted a clerkship with a particular judge or accepting a position with a particular law

firm. Some *amici* soon may learn that a future employer now avoids the meaningful work that brought *amici* to that firm in the first place. Others will be told they must undertake representations solely to earn the executive branch's approval. As emerging lawyers, *Amici* are invited to walk into an ethical minefield where they must be ready to reject representations or abandon clients to avoid retribution. This is the opposite of what being a lawyer should represent. *Amici* haven't spent years studying so they could genuflect to whomever happens to occupy the executive branch. They signed up to be lawyers. They signed up to choose their clients, and vigorously represent their clients, whomever the clients and their causes and claims may be.

Left alone, the executive order signals a transformation of our legal system. The rules don't matter anymore. Neither does due process. What matters is being in the good graces of those in power. One might wonder whether law even will matter when *amici* graduate. Which begs a question: If law doesn't matter, why should anyone become a lawyer in the first place?

CONCLUSION

The executive order is an affront to the legal profession and the rule of law. It threatens the present and the future of the American legal profession. The Court should grant the relief sought by Plaintiff.

Respectfully submitted,

/s/ Jordan K. Merson

Shanin Specter (*pro hac vice forthcoming*)
Charles L. Becker (*pro hac vice forthcoming*)
Jordan K. Merson
DC Bar No. 501015
Corrie A. Woods (*pro hac vice forthcoming*)
Kline Specter, PC
1525 Locust Street
Philadelphia, PA 19102
(215) 772-1000
(215) 772-1359
shanin.specter@klinespecter.com

chip.becker@klinespecter.com
jordan.merson@klinespecter.com
corrie.woods@klinespecter.com

Spencer Pahlke (*pro hac vice forthcoming*)

CA Bar No. 2540914

Walkup, Melodia, Kelly & Shoenberger

650 California Street, 26th Floor

San Francisco, CA 94108

(415) 981-7210 (phone)

(415) 391-6965 (fax)

spahlke@walkuplawoffice.com

Counsel for Amici Curiae

Dated: April 25, 2025

APPENDIX A

List of *Amici Curiae*

Law Students

Julia D'Agostino	Albany Law School
Abigail Murphy	American University Washington College of Law
Connor Locke	American University Washington College of Law
Daniela Corona	American University Washington College of Law
Daphne Singer	American University Washington College of Law
Haley Kolus	American University Washington College of Law
Jackie Blank	American University Washington College of Law
Jazzalin Grindle	American University Washington College of Law
Jeremy Ortiz	American University Washington College of Law
Jordan Stevenson	American University Washington College of Law
Katelyn Donaldson	American University Washington College of Law
Nicole Arenth	American University Washington College of Law
Nicole Devereaux	American University Washington College of Law
Ruchika Sharma	American University Washington College of Law
Sam Wolf	American University Washington College of Law
Reena Cranmer	Appalachian School of Law
James Woodall	Atlanta's John Marshall Law School
Bonnie Worstell	Baylor Law School
Kenadie Wilde	Baylor Law School
David Lee Myers	Belmont University College of Law
Smith Hart	Belmont University College of Law
Anais Rosenblatt	Benjamin N. Cardozo School of Law
Anna Siebel	Benjamin N. Cardozo School of Law
Ariella Fetman	Benjamin N. Cardozo School of Law
Bridget Kayes	Benjamin N. Cardozo School of Law
Cameryn Lesko	Benjamin N. Cardozo School of Law
Eli Gordon	Benjamin N. Cardozo School of Law
Hayley Sandoval	Benjamin N. Cardozo School of Law
Leah Susman	Benjamin N. Cardozo School of Law
Marina Coriale	Benjamin N. Cardozo School of Law
Matthew Petrouskie	Benjamin N. Cardozo School of Law
Michael Q. Ecker	Benjamin N. Cardozo School of Law
Nancy Larcher	Benjamin N. Cardozo School of Law
Rachel Aristei	Benjamin N. Cardozo School of Law
Samantha Sanchez	Benjamin N. Cardozo School of Law
Sarah Weiner	Benjamin N. Cardozo School of Law
Sofia Kuusisto	Benjamin N. Cardozo School of Law
Tanuja J. Gupta	Benjamin N. Cardozo School of Law

Aaron Sege	Boston College Law School
Adelaide Havens	Boston College Law School
Alexandra Staller	Boston College Law School
Caleb Brady	Boston College Law School
Catelyn Devlin	Boston College Law School
Catherine Peerson	Boston College Law School
Chloe Heller	Boston College Law School
Deepti Sailappan	Boston College Law School
Hannah Phillips	Boston College Law School
Javier Irizarry	Boston College Law School
JP LaBarge	Boston College Law School
Kai Strawn	Boston College Law School
Katarina Bettencourt	Boston College Law School
Korinna Garfield	Boston College Law School
Kyle Albrecht	Boston College Law School
Leah Cohen	Boston College Law School
Max German	Boston College Law School
Mitchord Cope-Hobbes	Boston College Law School
Portia Caruso	Boston College Law School
Rebecca Lowell	Boston College Law School
Sam Hodgkins-Sumner	Boston College Law School
Samantha Raymond	Boston College Law School
Samiha Abd-Elazem	Boston College Law School
Virginia Ambeliotis	Boston College Law School
Katherine Hazen	Boston College Law School
Meera Dahiya	Boston College Law School
Aaron Wuchterl	Boston University School of Law
André Hanna	Boston University School of Law
Cameron J. Tong	Boston University School of Law
Carolyn Sacco	Boston University School of Law
Coles Cotter	Boston University School of Law
Eliza McNay	Boston University School of Law
Max Teitelman	Boston University School of Law
Megan Wuestewald	Boston University School of Law
Michael Lavine	Boston University School of Law
Nayleth Lopez-Lopez	Boston University School of Law
Sarah Birkhaeuser	Boston University School of Law
Shiri Huber	Boston University School of Law
Rachel Smith	Boston University School of Law
Alec Segalman	Brooklyn Law School
Aline Martins	Brooklyn Law School

Kiyon Cho	Brooklyn Law School
Akeel Najimudeen	California Western School of Law
Alfredo Jimenez	California Western School of Law
Jaxson Vahn	Campbell University School of Law
Amanda Hodgson	Capital University Law School
Justin Rehkla	Capital University Law School
Riddhi Patel	Case Western Reserve University School of Law
Shaurya Pandya	Case Western Reserve University School of Law
Jason Kellogg	Catholic University of America Columbus School of Law
Ramon Ramirez	Catholic University of America Columbus School of Law
Daniela Garcia-Romanos	Charleston School of Law
Kaili Kobylka	Charleston School of Law
Micah Villanueva	Chicago Kent College of Law
Abinaya Wiggins	Chicago-Kent College of Law
Ava Trevino	Chicago-Kent College of Law
Blake Larys	Chicago-Kent College of Law
Brianna Schueller	Chicago-Kent College of Law
Casey Ciulla	Chicago-Kent College of Law
Christine Macke	Chicago-Kent College of Law
Erin Aguilar	Chicago-Kent College of Law
Felix Timothy Celestino	Chicago-Kent College of Law
Ivana Bailey-Muñoz	Chicago-Kent College of Law
Joseph Gertner	Chicago-Kent College of Law
Lauren Justice	Chicago-Kent College of Law
M.K. Bassett	Chicago-Kent College of Law
Mary Hester	Chicago-Kent College of Law
Melissa McCollum	Chicago-Kent College of Law
Sloan Drechsel	Chicago-Kent College of Law
Terry L. Geraldson Jr.	Chicago-Kent College of Law
Leticia Domenech	City University of New York School of Law
Zelia Gourdon	City University of New York School of Law
Arwa Elmashae	Cleveland State University College of Law
Emily E. Forsee	Cleveland State University College of Law
Maeve B. Walsh	Cleveland State University College of Law
Isuraoluwa Adedokun	Cleveland State University College of Law
Abigail Carbajal	Columbia Law School
Kaylie Chen	Columbia Law School
Kiersen Mather	Columbia Law School
Dalton Sousa	Cornell Law School
Leah Peretsky	Cornell Law School
Michael Spivey	Cornell Law School

Olivia Hussey	Cornell Law School
Justin Smith	DePaul University College of Law
Irelynn McMurphy	Drake University Law School
Michael Taylor	Drake University Law School
Mitchell Timm	Drake University Law School
Rachel Sams	Drake University Law School
Alexander Stegen	Drake University Law School
Anastasia Petrosky	Drexel University Thomas R. Kline School of Law
Andrea Subtirelu	Drexel University Thomas R. Kline School of Law
Ashton Sirgey	Drexel University Thomas R. Kline School of Law
Gail Lynne Hutchings	Drexel University Thomas R. Kline School of Law
Jahaan Amin	Drexel University Thomas R. Kline School of Law
Patrick McGovern	Drexel University Thomas R. Kline School of Law
Sydney Kesselman	Drexel University Thomas R. Kline School of Law
Thomas P Mulvey III	Drexel University Thomas R. Kline School of Law
Gabrielle Straton	Duke University School of Law
Molly Pines	Duke University School of Law
Mohammed Ali	Elisabeth Haub School of Law at Pace University
Jordan Holloway	Elon University School of Law
David Lane Nielsen	Emory University School of Law
Haley Taylor	Emory University School of Law
Hannah Kesner	Emory University School of Law
Jesse Rudnick	Emory University School of Law
Joann Kuriakose	Emory University School of Law
Malcolm House	Emory University School of Law
Reghan Daniels	Emory University School of Law
Victoria Cashman	Emory University School of Law
Laura Rodriguez	Florida International University College of Law
Alyssa Hawthorne	Florida State University College of Law
Nathaniel Lazor	Florida State University College of Law
Alleyah Ally	Fordham University School of Law
Charlotte Saltzman	Fordham University School of Law
Dylan Johnson	Fordham University School of Law
Langston Morrison	Fordham University School of Law
Michael Adkins	Fordham University School of Law
Ross Levin	Fordham University School of Law
Elizabeth Rainey	George Mason University Antonin Scalia Law School
Mary Diederich	George Mason University Antonin Scalia Law School
Shara Mondesir	George Mason University Antonin Scalia Law School
Alexis Coletti	George Washington University Law School
Asela Eatenson	George Washington University Law School

Conrad Wight	George Washington University Law School
Daniel Goldstein	George Washington University Law School
Elan Reisner	George Washington University Law School
Payton Liles	George Washington University Law School
Peter Finnican	George Washington University Law School
Aidan Bassett	Georgetown University Law Center
Ala Jalli	Georgetown University Law Center
Andrew Choi	Georgetown University Law Center
Andrew Post	Georgetown University Law Center
Anna Reid	Georgetown University Law Center
Ashlee Floyd	Georgetown University Law Center
Ava Comeau	Georgetown University Law Center
Brittany Lovely	Georgetown University Law Center
Bryn Kozuch	Georgetown University Law Center
Caleb Frye	Georgetown University Law Center
Cameron Witbeck	Georgetown University Law Center
Cara Bumcrot	Georgetown University Law Center
Claudia Butler	Georgetown University Law Center
Dena Behnam	Georgetown University Law Center
Divya Goel	Georgetown University Law Center
Drew Witte	Georgetown University Law Center
Emily Hirtle	Georgetown University Law Center
Emma Moses	Georgetown University Law Center
Emma Pinto	Georgetown University Law Center
Eva Kahan	Georgetown University Law Center
Evan Chiacchiaro	Georgetown University Law Center
Eyram Gbeddy	Georgetown University Law Center
Gabrielle Allmendinger	Georgetown University Law Center
Hanna Lykke	Georgetown University Law Center
Jackson Ross-Pilkington	Georgetown University Law Center
Jens Knutsen	Georgetown University Law Center
John Furness Stookey	Georgetown University Law Center
Jonathan Corn	Georgetown University Law Center
Josef Pevsner	Georgetown University Law Center
Joseph Tonzi	Georgetown University Law Center
Julia Tecotzky	Georgetown University Law Center
Katya Simon	Georgetown University Law Center
Keilan Lewis	Georgetown University Law Center
Kendra Sharrard	Georgetown University Law Center
Kylie Swinmurn	Georgetown University Law Center
Margaret Valentin	Georgetown University Law Center

Mari Latibashvili	Georgetown University Law Center
Michael Lamanna	Georgetown University Law Center
Nicholas White	Georgetown University Law Center
Oliver Bauer-Nathan	Georgetown University Law Center
Peter	Georgetown University Law Center
Rio Dennis	Georgetown University Law Center
Robert Elliott	Georgetown University Law Center
Ryan Haraden	Georgetown University Law Center
Sam Bromer	Georgetown University Law Center
Sam Porter	Georgetown University Law Center
Savannah Jelks	Georgetown University Law Center
Shelby Slotter	Georgetown University Law Center
Sophia Ceniza	Georgetown University Law Center
Sriram Sridharan	Georgetown University Law Center
Tessa Freeman	Georgetown University Law Center
Thomas Dell	Georgetown University Law Center
Tucker Matus	Georgetown University Law Center
Winn F.	Georgetown University Law Center
Zoe Ades	Georgetown University Law Center
Delaney Ivey	Georgetown University Law Center
Gabriel Hearn-Desautels	Georgetown University Law Center
Isaiah Fitch	Georgetown University Law Center
Kaitlyn Ferguson	Georgetown University Law Center
Olivia Schafer	Georgetown University Law Center
Sarah Minion	Georgetown University Law Center
Alex Fenne	Georgia State University College of Law
Alex Fennell	Georgia State University College of Law
Allison Brock	Georgia State University College of Law
Andrew Hughes	Georgia State University College of Law
Andy Paul	Georgia State University College of Law
Brooke White	Georgia State University College of Law
Isabelle Rogers	Georgia State University College of Law
Jackson Deakin	Georgia State University College of Law
Jacob Peavy	Georgia State University College of Law
Jacob Snyder	Georgia State University College of Law
Park Summerour	Georgia State University College of Law
Solomon Simpson	Georgia State University College of Law
Sophie Houenou	Georgia State University College of Law
Thomas Marshall	Georgia State University College of Law
Zubin Abraham-Ahmed	Georgia State University College of Law
Catie Roads	Golden Gate University School of Law

Aaron Baum	Harvard Law School
Alex Akre	Harvard Law School
Alex Worley	Harvard Law School
Aliye Korucu	Harvard Law School
Allen Litvak	Harvard Law School
Annabel Xu	Harvard Law School
Athena Adrogué	Harvard Law School
Bailey Bogle	Harvard Law School
Ben Kaufman	Harvard Law School
Benjamin Kane	Harvard Law School
Brendon J. Camp	Harvard Law School
Camilla Cox	Harvard Law School
Celyn Jacobs	Harvard Law School
Chandler Rankin	Harvard Law School
Christina B. Williams	Harvard Law School
Corinne Shanahan	Harvard Law School
Courtney Chrystal	Harvard Law School
Dan Cohen	Harvard Law School
Eliza Davis	Harvard Law School
Ellen Teuscher	Harvard Law School
Emily Sklar	Harvard Law School
Eoin Lyons	Harvard Law School
Eric Zhao	Harvard Law School
Erica Buckingham	Harvard Law School
Eve Gentile	Harvard Law School
Evelyn Shiang	Harvard Law School
Hallie Fox	Harvard Law School
Holt McKeithan	Harvard Law School
Ireen Ha	Harvard Law School
Irene Ameena	Harvard Law School
Jack Butler	Harvard Law School
Jackson Faulkner	Harvard Law School
James Morrison	Harvard Law School
Jude Hoag	Harvard Law School
Kaitlin Knocke	Harvard Law School
Lainey Newman	Harvard Law School
Liz Feltner	Harvard Law School
Lucy Sun	Harvard Law School
Maelee Chen	Harvard Law School
Maya Mahajan	Harvard Law School
Mayra Espinoza-Martinez	Harvard Law School

Meredith Gudesblatt	Harvard Law School
Oluwatobi Omotoso	Harvard Law School
Owen Keenan	Harvard Law School
Pablo Manon Mateos	Harvard Law School
Pantho Sayed	Harvard Law School
Piper Meloche	Harvard Law School
Pritika Seshadri	Harvard Law School
Rebecca Schwartz	Harvard Law School
Russell Guertin	Harvard Law School
Spencer Thieme	Harvard Law School
Supriya Mishra	Harvard Law School
Troy Brown	Harvard Law School
James Carney	Harvard Law School
Sydney Thomas	Harvard Law School
Athena Frye	Humphreys University Laurence Drivon School of Law
Charles J Anderson	Indiana University Maurer School of Law
Delaney Lynch	Indiana University Maurer School of Law
Jacob Talbert	Indiana University Maurer School of Law
Sofía García	Indiana University Maurer School of Law
Eliza Smith-Driggs	J. Reuben Clark Law School
Hunter Tarry	J. Reuben Clark Law School
Eric Horssius	Leiden Law School
Abigail Harper	Lewis & Clark Law School
Aurel BockNelson	Lewis & Clark Law School
Brian Liu	Lewis & Clark Law School
Eli Olson	Lewis & Clark Law School
Jack Flaningam	Lewis & Clark Law School
Jeremy Beckham	Lewis & Clark Law School
Joseph Gabaldon	Lewis & Clark Law School
Riley Sanders	Lewis & Clark Law School
Sabrina Butcher	Lewis & Clark Law School
Tara Taggart	Lewis & Clark Law School
Victoria Reiners	Lewis & Clark Law School
Fransheska Companioni-Daroch	Loyola Law School, Los Angeles
Madeline Prokop	Loyola Law School, Los Angeles
David Gross	Loyola University Chicago School of Law
Johannes Alvarez-Rivero	Loyola University Chicago School of Law
Madeleine Cummings	Loyola University Chicago School of Law
Madeline Goodman	Loyola University Chicago School of Law
Maris Medina	Loyola University Chicago School of Law

Olivia Moten	Loyola University Chicago School of Law
Sara Jordan	Loyola University Chicago School of Law
Thomas Westenberger	Loyola University Chicago School of Law
Kaitlyn Reeves	Marquette University Law School
Cary Y. Quiroz	Massachusetts School of Law
Angela Qu	Maurice A. Deane School of Law at Hofstra University
Bennett Sterrer	Maurice A. Deane School of Law at Hofstra University
Daniel Eidelstein	Maurice A. Deane School of Law at Hofstra University
David Sizer	Maurice A. Deane School of Law at Hofstra University
Gavin Feltman	Maurice A. Deane School of Law at Hofstra University
Hailey McGinley	Maurice A. Deane School of Law at Hofstra University
Haley Davis	Maurice A. Deane School of Law at Hofstra University
Isaiah J. Harris	Maurice A. Deane School of Law at Hofstra University
Jaden Martin	Maurice A. Deane School of Law at Hofstra University
Jake Enella	Maurice A. Deane School of Law at Hofstra University
Josef Zohar Kahn	Maurice A. Deane School of Law at Hofstra University
Julia Del Borrello	Maurice A. Deane School of Law at Hofstra University
Katelyn McKeivitt	Maurice A. Deane School of Law at Hofstra University
Kayla Maggie Kaulesar	Maurice A. Deane School of Law at Hofstra University
Kira Giordano	Maurice A. Deane School of Law at Hofstra University
Laura Pendergast	Maurice A. Deane School of Law at Hofstra University
Linda Reimann	Maurice A. Deane School of Law at Hofstra University
Madison Chamblin	Maurice A. Deane School of Law at Hofstra University
Matthew Gluckman	Maurice A. Deane School of Law at Hofstra University
Michael Laino	Maurice A. Deane School of Law at Hofstra University
Neha Ghias	Maurice A. Deane School of Law at Hofstra University
Rachel Midey	Maurice A. Deane School of Law at Hofstra University
Sabrina Pirzada	Maurice A. Deane School of Law at Hofstra University
Semba Mwitanti	Maurice A. Deane School of Law at Hofstra University
Miles J. Goldberg	Maurice A. Deane School of Law at Hofstra University
Ayrisa Schmidt	Michael E. Moritz College of Law at Ohio State University
Cole DuBose	Michael E. Moritz College of Law at Ohio State University
Daria G. Lindquist	Michigan State University College of Law
James Holmes	Michigan State University College of Law
Billie Berry	Mitchell Hamline School of Law
Colleen Josephs	Mitchell Hamline School of Law
Mariah Marks Erickson	Mitchell Hamline School of Law
Nataki Simmons	Mitchell Hamline School of Law
Gabriella Rojzman	New England Law Boston

Christopher Soto	New York Law School
Aaron Movshovich	New York University School of Law
Alice Militaru	New York University School of Law
Andy Gorordo	New York University School of Law
Celine Calpo	New York University School of Law
Elizabeth A. Stotz	New York University School of Law
Emily Uhlmann	New York University School of Law
Hannah Mussey	New York University School of Law
Hart D. Ayooob	New York University School of Law
Joey Schnide	New York University School of Law
Jonah Harwood	New York University School of Law
Julia Bergel	New York University School of Law
Kendall Andrews	New York University School of Law
Mariana Bouully Perez	New York University School of Law
Rebecca Zadeck	New York University School of Law
Ryan Haggerty	New York University School of Law
Stuart Baum	New York University School of Law
Talia Scott	New York University School of Law
Tay Kavieff	New York University School of Law
William Crouse	New York University School of Law
Zora Navarre	New York University School of Law
Samantha Lustig	New York University School of Law
Muluken Hass	North Carolina Central University School of Law
Tess Dufour	Northeastern University School of Law
Heather Atherton	Northeastern University School of Law
Jessica Webber	Northeastern University School of Law
Lindsey Colwell	Northeastern University School of Law
Matthew Watson	Northeastern University School of Law
Miranda Skurla	Northeastern University School of Law
Nathan Martin	Northeastern University School of Law
William Grennon	Northeastern University School of Law
Alberto Rivera	Northern Illinois University College of Law
Bryn Callahan	Northern Illinois University College of Law
Kayla L. Meloy	Northern Illinois University College of Law
Michael Johnson-Kueny	Northern Illinois University College of Law
Yavonne J. Boese	Northern Illinois University College of Law
Mackhai Nguyen	Northwestern Pritzker School of Law
Adam Miller	Notre Dame Law School
Anna M. Paxton	Notre Dame Law School
Erin McKibbin	Notre Dame Law School
Tori Murry	Notre Dame Law School

Farah Farah	Ohio State University Michael E. Moritz College of Law
Sayan Trisal	Ohio State University Michael E. Moritz College of Law
Sophie Chang	Ohio State University Michael E. Moritz College of Law
Aidan Levinson	Penn State Dickinson Law
Jake Toth	Penn State Dickinson Law
Jeremy Zimmerman	Penn State Dickinson Law
Nathan White	Penn State Dickinson Law
Sakina Bhatti	Penn State Dickinson Law
Jamie A. Meyers	Penn State Law
Kate Crockett	Penn State Law
Luz Payan	Penn State Law
Caden Cutter	Pepperdine University Rick J. Caruso School of Law
Elle Murphy	Purdue Global Law School
Lela Reynolds	Purdue Global Law School
Micah Bailey	Purdue Global Law School
Olivia Johnson	Roger Williams University School of Law
Addie Tanzman	Rutgers Law School
Alexandra Pollack	Rutgers Law School
Asiana Rippentrop	Rutgers Law School
Dalton Guillory	Rutgers Law School
Elmar Murtada	Rutgers Law School
Jibri Douglas	Rutgers Law School
Spence Millrood	Rutgers Law School
Tara Hurst	Rutgers Law School
Zachary Carr	Rutgers Law School
Alex Murray	Saint Louis University School of Law
Sonia Lazaro	Samford University Cumberland School of Law
Alec Bacon	Sandra Day O'Connor College of Law
Amanda Barraza	Sandra Day O'Connor College of Law
Jared Dewey	Sandra Day O'Connor College of Law
Jacob Thompson	Santa Clara University School of Law
Jia Lou	Santa Clara University School of Law
Adam Rakunas	Seattle University School of Law
Emily Hernandez	Seattle University School of Law
Julie McCleery	Seattle University School of Law
Lilly Santos	Seattle University School of Law
Michael Parker	Seattle University School of Law
Sophia Drake Braymen	Seattle University School of Law
Marcella Weiss	Seattle University School of Law
Vasthi Arredondo	Seattle University School of Law
Jenna Nunziato	Seton Hall University School of Law

Ashley Fortner	South Texas College of Law Houston
Clayton Rainey	South Texas College of Law Houston
Rene Schwartz	South Texas College of Law Houston
Izabella Gutierrez-Salinas	Southern Methodist University Dedman School of Law
Katie McNamara	Southern Methodist University Dedman School of Law
Sara Pelayo	Southwestern Law School
Elena Smith	St. John's University School of Law
Jenna Marshiano	St. John's University School of Law
Lori Giargias	St. John's University School of Law
Samantha Grenard	St. John's University School of Law
Nikki Junda	St. John's University School of Law
Amber G. Joyner	St. John's University School of Law
Melissa Esposito	St. John's University School of Law
Lauren Porfirio	St. Mary's University School of Law
Amanda Morrison	Stanford Law School
Amy Cass	Stanford Law School
Ana Deckey	Stanford Law School
Anisha Reddy	Stanford Law School
Brian Xu	Stanford Law School
Bryce Tuttle	Stanford Law School
Catherine Powell	Stanford Law School
Cayla Lee	Stanford Law School
Dana Alpert	Stanford Law School
Dana Thomas Paul Sweeney	Stanford Law School
Danielle Harris	Stanford Law School
David H. Jiang	Stanford Law School
Elias Lawler	Stanford Law School
Emily Harrington	Stanford Law School
Evan Lehmann	Stanford Law School
Gabrielle Smith	Stanford Law School
Hannah Dahleen	Stanford Law School
Hannah Rose Motley Davis	Stanford Law School
Harrison Hurt	Stanford Law School
Helena Li	Stanford Law School
Hunter Hendrix	Stanford Law School
Isabella Jackson-Saitz	Stanford Law School
Jane H. Wang	Stanford Law School
Jasmine Lewis	Stanford Law School
Jina Zhou	Stanford Law School

Kenneth Chang	Stanford Law School
Lisa Lu	Stanford Law School
Lisa Qian	Stanford Law School
Lucas Leonhardt	Stanford Law School
Madison McClellan	Stanford Law School
Mati Zeff	Stanford Law School
Max Lillich	Stanford Law School
Maya S. Rodriguez	Stanford Law School
Michael Flynn	Stanford Law School
Mikaela Gerwin	Stanford Law School
Molly Wancewicz	Stanford Law School
Natalia Zorrilla	Stanford Law School
Nissim Roffe Piket	Stanford Law School
Owen Foulkes	Stanford Law School
Parker Grove	Stanford Law School
Rachel Li	Stanford Law School
Radhika Menon	Stanford Law School
Rebecca Han	Stanford Law School
Ryan Joel	Stanford Law School
Sandra Chen	Stanford Law School
Sara Carrillo	Stanford Law School
Sarah Ryan	Stanford Law School
Victor Wu	Stanford Law School
Zoe Robertson	Stanford Law School
Zoey Ryu	Stanford Law School
Edward Everett Herrington	Stanford Law School
Jane O'Connell	Stanford Law School
Jasmine Lewis	Stanford Law School
Noah Peretz	Stetson University College of Law
Bridget Doyle	Suffolk University Law School
Brigid Splaine	Suffolk University Law School
Sarah Bass	Suffolk University Law School
Kylie Nocket	Syracuse University College of Law
Madison McCarthy	Syracuse University College of Law
Sydney Schappell	Syracuse University College of Law
Marsha Jones	Taft Law School
Allyson Ruch	Temple University Beasley School of Law
Bianca Taipe	Temple University Beasley School of Law
Brandon Connelly	Temple University Beasley School of Law
Daniel Symonds	Temple University Beasley School of Law

Emmett Reilly	Temple University Beasley School of Law
Fiona Burke	Temple University Beasley School of Law
Jennifer Levito	Temple University Beasley School of Law
Julia Rankin	Temple University Beasley School of Law
Katherine Hong	Temple University Beasley School of Law
Katherine Murphy	Temple University Beasley School of Law
Lily Bohlke	Temple University Beasley School of Law
Matt Whitworth	Temple University Beasley School of Law
McCarthy Johnson	Temple University Beasley School of Law
Patricia Grove	Temple University Beasley School of Law
Salma Ghalyoun	Temple University Beasley School of Law
Sean McLane	Temple University Beasley School of Law
Terra Peter	Temple University Beasley School of Law
Audrey Moore	Texas A&M University School of Law
Brooklynn Petty	Texas A&M University School of Law
Evan Schoop	Texas A&M University School of Law
Ian C. Stephens	Texas A&M University School of Law
J.C. Freeman	Texas A&M University School of Law
Simon Lee	Texas A&M University School of Law
Sydney Nwuli	Texas A&M University School of Law
Whitney Taylor	Texas A&M University School of Law
Areesha Hemani	Texas Tech University School of Law
J. Jude Basile	Thomas Jefferson School of Law
Alexander J. Long	Thomas R. Kline School of Law of Duquesne University
Allison N. Kindred	Thomas R. Kline School of Law of Duquesne University
Annabelle LaRosa	Thomas R. Kline School of Law of Duquesne University
Bethany Hallam	Thomas R. Kline School of Law of Duquesne University
Caleb McLeod	Thomas R. Kline School of Law of Duquesne University
Grayson Jones	Thomas R. Kline School of Law of Duquesne University
Hannah Dean	Thomas R. Kline School of Law of Duquesne University
James Miller	Thomas R. Kline School of Law of Duquesne University
Jeremy Sanville	Thomas R. Kline School of Law of Duquesne University
Joshua R. Esch	Thomas R. Kline School of Law of Duquesne University
Shannon Hubble	Thomas R. Kline School of Law of Duquesne University
Davis Fawcett	Thomas R. Kline School of Law of Duquesne University
Jadyn Steave	Thurgood Marshall School of Law
Tia Allen	Thurgood Marshall School of Law
Fadwah Ayesh	Trinity Law School
Amanda Sofía Soto González	Universidad de Puerto Rico Escuela de Derecho,
Abraham A. Metz	University at Buffalo School of Law

Katherine A. Huppé	University at Buffalo School of Law
Rachael Cunningham	University at Buffalo School of Law
Emma Potter	University of Arizona James E. Rogers College of Law
James Zachary Reed	University of Arizona James E. Rogers College of Law
Taylor Alexander	University of Arizona James E. Rogers College of Law
Eric McGee	University of Arkansas at Little Rock William H. Bowen School of Law
Sarah	University of Arkansas at Little Rock William H. Bowen School of Law
Andrew Kutchka	University of Arkansas School of Law
Autumn Powell	University of Arkansas School of Law
Ben Alderson	University of Arkansas School of Law
C. Kalua Kahana	University of Arkansas School of Law
Caroline Yakin	University of Arkansas School of Law
Christine Copu McCray	University of Arkansas School of Law
Erin Hoffman	University of Arkansas School of Law
Gracie Stephenson	University of Arkansas School of Law
Jenny Caraway	University of Arkansas School of Law
Joshua Cauto	University of Arkansas School of Law
Kenidee Lloyd	University of Arkansas School of Law
Margaux Thigpen	University of Arkansas School of Law
Martha Gardner	University of Arkansas School of Law
Mary Jett McLarty	University of Arkansas School of Law
Matthew Post	University of Arkansas School of Law
Mattie Bennett	University of Arkansas School of Law
Olivia Sexton	University of Arkansas School of Law
Peyton Rheame	University of Arkansas School of Law
Sandra Mondragon	University of Arkansas School of Law
Sawyer Swaim	University of Arkansas School of Law
Shane D. Puente	University of Arkansas School of Law
Steven H. Jacobs	University of Arkansas School of Law
Tom Hubbard	University of Arkansas School of Law
Abby Pownall	University of California College of the Law, San Francisco
Aileen Marquez	University of California College of the Law, San Francisco
Alexandra Rhodes	University of California College of the Law, San Francisco
Alyssa McKenzie	University of California College of the Law, San Francisco
Amalie Yach	University of California College of the Law, San Francisco

Bella Volkov	University of California College of the Law, San Francisco
Benjamin Kinnaman	University of California College of the Law, San Francisco
Bill Tamburelli	University of California College of the Law, San Francisco
Caleb O'Neill	University of California College of the Law, San Francisco
Cameryn Chan	University of California College of the Law, San Francisco
Chloe Ashburn	University of California College of the Law, San Francisco
Elizabeth Beshlikyan	University of California College of the Law, San Francisco
Erik Renner	University of California College of the Law, San Francisco
Erik Wood	University of California College of the Law, San Francisco
Hamza Atai	University of California College of the Law, San Francisco
Imahn Daeenabi	University of California College of the Law, San Francisco
Isha Pandya	University of California College of the Law, San Francisco
J. Daniel Caballero	University of California College of the Law, San Francisco
Jack Hobbs	University of California College of the Law, San Francisco
Jake McKillop	University of California College of the Law, San Francisco
Jessica Lin	University of California College of the Law, San Francisco
Julie de Vault	University of California College of the Law, San Francisco
Justin Morgan	University of California College of the Law, San Francisco
Kaylee Morgan	University of California College of the Law, San Francisco
Lakshmi Burugupalli	University of California College of the Law, San Francisco
Leelah Klauber	University of California College of the Law, San Francisco

Maggie Bell	University of California College of the Law, San Francisco
Makenalani "Roo" Cash	University of California College of the Law, San Francisco
Matias Pazos	University of California College of the Law, San Francisco
Michael McCauley	University of California College of the Law, San Francisco
Mike Tinney	University of California College of the Law, San Francisco
Milly Davies	University of California College of the Law, San Francisco
Nicolette McIntosh	University of California College of the Law, San Francisco
Rachel Kim	University of California College of the Law, San Francisco
Rat LoBuglio	University of California College of the Law, San Francisco
Richanne Ocampo	University of California College of the Law, San Francisco
Richard Solis III	University of California College of the Law, San Francisco
Ryan Litt	University of California College of the Law, San Francisco
Saamia Aziz	University of California College of the Law, San Francisco
Sanjana Srinivasan	University of California College of the Law, San Francisco
Sarah Fahn	University of California College of the Law, San Francisco
Sean John	University of California College of the Law, San Francisco
Sevan Nahabedian	University of California College of the Law, San Francisco
Seline Ting	University of California College of the Law, San Francisco
Shefali Mistry	University of California College of the Law, San Francisco
Shwetha Karthik	University of California College of the Law, San Francisco
Stephen Cosenza	University of California College of the Law, San Francisco

Valeria Vera	University of California College of the Law, San Francisco
Yusuf Al-Bazian	University of California College of the Law, San Francisco
Abbie Sedillos	University of California, Berkeley School of Law
Abby Neal	University of California, Berkeley School of Law
Abby Smith	University of California, Berkeley School of Law
Alexis Bernstein	University of California, Berkeley School of Law
Alyssa Gerkin	University of California, Berkeley School of Law
Amelia Dal Pra	University of California, Berkeley School of Law
Arrol Fulton Choi	University of California, Berkeley School of Law
Ashlie Andrade	University of California, Berkeley School of Law
Austin McNichols	University of California, Berkeley School of Law
Ava Wu	University of California, Berkeley School of Law
Ayesha Asad	University of California, Berkeley School of Law
Ben Shipman	University of California, Berkeley School of Law
Blue Miller	University of California, Berkeley School of Law
Brylee Flores	University of California, Berkeley School of Law
Caillie Roach	University of California, Berkeley School of Law
Christina Ochoa	University of California, Berkeley School of Law
Colin Gamm	University of California, Berkeley School of Law
Daniel deButts	University of California, Berkeley School of Law
Danielle Dyson	University of California, Berkeley School of Law
Deksyos Damtew	University of California, Berkeley School of Law
Dexter Lim	University of California, Berkeley School of Law
Dominick Williams	University of California, Berkeley School of Law
Eric Ritter	University of California, Berkeley School of Law
Geneva Lee	University of California, Berkeley School of Law
Haleh Jeddi	University of California, Berkeley School of Law
Isabelle Borchardt	University of California, Berkeley School of Law
Jacob Bendicksen	University of California, Berkeley School of Law
Jonah Smith	University of California, Berkeley School of Law
Jordan Perry	University of California, Berkeley School of Law
Joshua McDaniel	University of California, Berkeley School of Law
Justin Yee	University of California, Berkeley School of Law
Krishna Desai	University of California, Berkeley School of Law
Lauren Milnes	University of California, Berkeley School of Law
Logan Buzzell Graham	University of California, Berkeley School of Law
Lucas Baker	University of California, Berkeley School of Law
Matthew Magann	University of California, Berkeley School of Law
Maxwell Kretschmar	University of California, Berkeley School of Law

Mayowa Grace Oyenubi	University of California, Berkeley School of Law
Melissa Molloy	University of California, Berkeley School of Law
Mitchell Garmany	University of California, Berkeley School of Law
Natalie Boust	University of California, Berkeley School of Law
Nicholas Navarro	University of California, Berkeley School of Law
Noosha Aliabadi	University of California, Berkeley School of Law
Olivia Grimes	University of California, Berkeley School of Law
Olivia McCarren	University of California, Berkeley School of Law
Quinn Ferrar	University of California, Berkeley School of Law
Rebecca Cooley	University of California, Berkeley School of Law
Rebecca Paskowitz	University of California, Berkeley School of Law
Sarah DiMagno	University of California, Berkeley School of Law
Sean Silverman	University of California, Berkeley School of Law
Shahana Farooqi	University of California, Berkeley School of Law
Shivank Singh	University of California, Berkeley School of Law
Shree Mehrotra	University of California, Berkeley School of Law
Sierra K. Anseeuw	University of California, Berkeley School of Law
Teya Khalil	University of California, Berkeley School of Law
Tiffany Crews	University of California, Berkeley School of Law
Zaid Yousef	University of California, Berkeley School of Law
Matthew Dollinger	University of California, Berkeley, School of Law
Iris Shea	University of California, Davis School of Law
Trevor Rawdon	University of California, Davis School of Law
Adelaide Villasana	University of California, Irvine School of Law
Mahak Merchant	University of California, Irvine School of Law
Mimi Tang	University of California, Irvine School of Law
Skylar Reed	University of California, Irvine School of Law
Alanna McNaughton	University of California, Los Angeles School of Law
Claire Canestrino	University of California, Los Angeles School of Law
Hayden Fuchino	University of California, Los Angeles School of Law
Ines Gabriela Rodriguez	University of California, Los Angeles School of Law
Malia Smith	University of California, Los Angeles School of Law
Nathaniel Johnson	University of California, Los Angeles School of Law
Ryan Dewberry	University of California, Los Angeles School of Law
Abby Diebold	University of Chicago Law School
Alex Lawson	University of Chicago Law School
Ashley Zoeckler	University of Chicago Law School
Michael Serdula	University of Chicago Law School
Allison Niemeier	University of Cincinnati College of Law
Carrie Hoke	University of Cincinnati College of Law
Hannah Cardozo	University of Colorado Law School

Sydney Stellato	University of Colorado Law School
Grace Brunner	University of Connecticut School of Law
Kayla Kelly	University of Connecticut School of Law
Jeffrey Castello	University of Dayton School of Law
Ella Brynne Ihrig	University of Denver Sturm College of Law
Faith Price	University of Denver Sturm College of Law
Jonathan Thompson	University of Denver Sturm College of Law
Tyler Winowiecki	University of Detroit Mercy School of Law
Samuel Rappeport	University of Florida Levin College of Law
Alyssa Kirby	University of Georgia School of Law
Alexis Roberts	University of Houston Law Center
Alicia Davila	University of Houston Law Center
Alyssa Galvan	University of Houston Law Center
Anne Marie Therese Eamiguel	University of Houston Law Center
Anthony Lane	University of Houston Law Center
Cailley Vaughan	University of Houston Law Center
Caitlyn Foret	University of Houston Law Center
Duncan S. Reedyk	University of Houston Law Center
Emily Pickerign	University of Houston Law Center
Gunnar Osteen	University of Houston Law Center
Jake McCreless	University of Houston Law Center
Katherine Brooks	University of Houston Law Center
Landon Adams	University of Houston Law Center
Mason Dowless	University of Houston Law Center
Mauro Vásquez IV	University of Houston Law Center
Natalie Cha	University of Houston Law Center
Paige Chovanec	University of Houston Law Center
Tralessia Myers	University of Houston Law Center
Abigail Mathew	University of Houston Law Center
Mallory Mae	University of Idaho College of Law
Kayla Lindberg	University of Illinois Chicago School of Law
Andrew Danculovich	University of Illinois College of Law
Ben Lee	University of Illinois College of Law
Elliott DeGrace	University of Illinois College of Law
Justin Fernando	University of Illinois College of Law
Mary Polupan	University of Illinois College of Law
Rachel DeFries	University of Illinois College of Law
Anna Gorman	University of Illinois College of Law
Caleb I. Slater	University of Iowa College of Law
Courtney Camenzind	University of Iowa College of Law

Andie Mooradian	University of Louisville Louis D. Brandeis School of Law
Brendan Kolbinsky	University of Louisville Louis D. Brandeis School of Law
Caroline Ashlea Dew	University of Louisville Louis D. Brandeis School of Law
Dalton York	University of Louisville Louis D. Brandeis School of Law
Emily Boston	University of Louisville Louis D. Brandeis School of Law
Irie Ewers	University of Louisville Louis D. Brandeis School of Law
Isabella Brimmer	University of Louisville Louis D. Brandeis School of Law
Jake Mace	University of Louisville Louis D. Brandeis School of Law
Jessica D'Ambrosio	University of Louisville Louis D. Brandeis School of Law
Parker Guy	University of Louisville Louis D. Brandeis School of Law
Peyton Rodgers	University of Louisville Louis D. Brandeis School of Law
Sarah Stricklin	University of Louisville Louis D. Brandeis School of Law
Shalonte Branham	University of Louisville Louis D. Brandeis School of Law
A.P. Mulrooney	University of Maine School of Law
Abigail E St. Valle	University of Maine School of Law
Adam Fortier-Brown	University of Maine School of Law
Alice Wilson	University of Maine School of Law
Anna Kossolapov	University of Maine School of Law
Anna Scoppettone	University of Maine School of Law
Banah Alhanfy	University of Maine School of Law
Cade Morris	University of Maine School of Law
Dylan Stoltzfus	University of Maine School of Law
Elizabeth Bigelow	University of Maine School of Law
Gabrielle Drillis	University of Maine School of Law
Grace Perkins	University of Maine School of Law
Jordan Morgan	University of Maine School of Law
Joseph Monetta	University of Maine School of Law
Katlyn Cook	University of Maine School of Law
Luc Dobin	University of Maine School of Law
Mackenzie Blackwell	University of Maine School of Law
Michael Moran	University of Maine School of Law
Parvathi Jason	University of Maine School of Law
Rowan Hickey	University of Maine School of Law
Sadie Colby	University of Maine School of Law
Skylar Rubocki	University of Maine School of Law
Sophie Wink	University of Maine School of Law
Stephanie Forbes	University of Maine School of Law
Tamar Barsamian	University of Maine School of Law
Tanner S. Kelly	University of Maine School of Law
Taylor Trush	University of Maine School of Law

Alex Tamayo	University of Maryland Francis King Carey School of Law
Anastasia Ngo	University of Maryland Francis King Carey School of Law
Jacob Botsford	University of Maryland Francis King Carey School of Law
Jasmine Leal-Taylor	University of Maryland Francis King Carey School of Law
Leo Clarke	University of Maryland Francis King Carey School of Law
Thomas Azari	University of Maryland Francis King Carey School of Law
Max Friedman	University of Memphis Cecil C. Humphreys School of Law
Tyler Foster	University of Memphis Cecil C. Humphreys School of Law
Anna Nguyen	University of Michigan Law School
Ashton Smith	University of Michigan Law School
Dana Chen	University of Michigan Law School
Daria Wick	University of Michigan Law School
Edie Knoop	University of Michigan Law School
Elias Graca	University of Michigan Law School
Grady Nance	University of Michigan Law School
Jack Eichner	University of Michigan Law School
Jake Brenner	University of Michigan Law School
King Deas	University of Michigan Law School
Manuel Lewis	University of Michigan Law School
Maxime Legros	University of Michigan Law School
Meher Mann	University of Michigan Law School
Melanie Calderon	University of Michigan Law School
Muhammad Usman Mumtaz	University of Michigan Law School
Nicholas C. Johnson	University of Michigan Law School
Salma Son-Garcia	University of Michigan Law School
Sam Parhamfar	University of Michigan Law School
Ally Bazarian	University of Michigan Law School
Josh Messe	University of Michigan Law School
Elissa Bowling	University of Minnesota Law School
Hannah Greer	University of Minnesota Law School
Jessica Schmitz	University of Minnesota Law School
Kylie Lewis	University of Minnesota Law School
Meagan McIntyre	University of Minnesota Law School

William Rodman	University of Missouri School of Law
Addison Haynes	University of Missouri-Kansas City School of Law
Alexander True	University of Missouri-Kansas City School of Law
Bijan Esfandiary	University of Missouri-Kansas City School of Law
Joseph Scholten	University of Missouri-Kansas City School of Law
Morgen Foster	University of Missouri-Kansas City School of Law
Jack Pearlman	University of Montana Alexander Blewett III School of Law
Jeanelle Angus	University of New Hampshire Franklin Pierce School of Law
Manuel Cortes-Jimenez	University of New Hampshire Franklin Pierce School of Law
Sara Keeble	University of New Hampshire Franklin Pierce School of Law
Tony Gioia	University of New Hampshire Franklin Pierce School of Law
Aislinn Carroll	University of North Carolina School of Law
Chase Howard	University of North Carolina School of Law
Dex Dexter	University of North Carolina School of Law
Elliana Alexander	University of North Carolina School of Law
Emily Gajda	University of North Carolina School of Law
Griffin Lamb	University of North Carolina School of Law
Koen Rodabaugh	University of North Carolina School of Law
Olivia McAuliffe	University of North Carolina School of Law
Tyler S. Gipe	University of North Carolina School of Law
Colleen Malley	University of North Carolina School of Law
Hamilton Hayers	University of North Texas at Dallas College of Law
Julia Santos	University of North Texas at Dallas College of Law
Alexandris K. Petre	University of Oklahoma College of Law
Alyssa Sperrazza	University of Oklahoma College of Law
Hannah Goff	University of Oklahoma College of Law
Katie Reese	University of Oklahoma College of Law
Samantha England	University of Oklahoma College of Law
Taylor Ruddle	University of Oklahoma College of Law
Arshaan Khan	University of Oregon School of Law
Brynne Stengel	University of Oregon School of Law
Jaime Tang	University of Oregon School of Law
Katherine Benson	University of Oregon School of Law
Kyler Cook	University of Oregon School of Law
Miles Berry	University of Oregon School of Law
Peyton Smith	University of Oregon School of Law

Piper Harris	University of Oregon School of Law
Sarita Pauly	University of Oregon School of Law
Alexander Diwan	University of Pennsylvania Carey Law School
Chioma Uba	University of Pennsylvania Carey Law School
Kaia Rendo	University of Pennsylvania Carey Law School
Megan Steinheimer	University of Pennsylvania Carey Law School
Alexa Breyfogle	University of Pennsylvania Carey Law School
Amanda Karlsson	University of Pennsylvania Carey Law School
Andres Armada	University of Pennsylvania Carey Law School
Benjamin Kilano	University of Pennsylvania Carey Law School
Bill Wang	University of Pennsylvania Carey Law School
Brian Connor	University of Pennsylvania Carey Law School
Bryce Klehm	University of Pennsylvania Carey Law School
Caroline Kam	University of Pennsylvania Carey Law School
Carson Turner	University of Pennsylvania Carey Law School
Christina Bartzokis	University of Pennsylvania Carey Law School
David Hahn	University of Pennsylvania Carey Law School
Diana Henry	University of Pennsylvania Carey Law School
Douglas Brooks Snyder	University of Pennsylvania Carey Law School
E.N.	University of Pennsylvania Carey Law School
Eleanor Liu	University of Pennsylvania Carey Law School
Eleanor Mammen	University of Pennsylvania Carey Law School
Ellie Loigman	University of Pennsylvania Carey Law School
Evan Harrelson	University of Pennsylvania Carey Law School
Gabriel Nathans	University of Pennsylvania Carey Law School
Hayes Parker-Kepchar	University of Pennsylvania Carey Law School
Hugh Strike	University of Pennsylvania Carey Law School
Jan Rotich	University of Pennsylvania Carey Law School
Jason Pang	University of Pennsylvania Carey Law School
Jessica Lonsway	University of Pennsylvania Carey Law School
Jonathan Kim	University of Pennsylvania Carey Law School
Jonathan McJunkin	University of Pennsylvania Carey Law School
Jordan Lassiter	University of Pennsylvania Carey Law School
Julia L. Englebert	University of Pennsylvania Carey Law School
Julian Lutz	University of Pennsylvania Carey Law School
Justin McCulloch	University of Pennsylvania Carey Law School
Liz Dowdle	University of Pennsylvania Carey Law School
Loren Grandelli	University of Pennsylvania Carey Law School
Madeleine Morales	University of Pennsylvania Carey Law School
Madeleine Vaziri	University of Pennsylvania Carey Law School
Maxwell Bresticker	University of Pennsylvania Carey Law School

Nathalie Rincon	University of Pennsylvania Carey Law School
Nigel Davis	University of Pennsylvania Carey Law School
Rachael Totz	University of Pennsylvania Carey Law School
Rachel Kabat	University of Pennsylvania Carey Law School
Raymond LaMotta	University of Pennsylvania Carey Law School
Samendra Prasad	University of Pennsylvania Carey Law School
Sarah Kadous	University of Pennsylvania Carey Law School
Sara-Paige Silvestro	University of Pennsylvania Carey Law School
Scott Aravena	University of Pennsylvania Carey Law School
Sri Medicherla	University of Pennsylvania Carey Law School
Tait Helgaas	University of Pennsylvania Carey Law School
Tora Husar	University of Pennsylvania Carey Law School
William Powers	University of Pennsylvania Carey Law School
Zack Demars	University of Pennsylvania Carey Law School
Boris Botchev	University of Pennsylvania Carey Law School
Ryan Young	University of Pittsburgh School of Law
Elizabeth Stauffer	University of San Diego School of Law
Aisha Sanwal	University of San Francisco School of Law
Alecea Mexas	University of San Francisco School of Law
Alex Smock	University of San Francisco School of Law
Alexandra Porshnikoff	University of San Francisco School of Law
Alexandria Metzdorf	University of San Francisco School of Law
Alia Sky	University of San Francisco School of Law
Evan Lurie	University of San Francisco School of Law
Jessica Lui	University of San Francisco School of Law
Justin Rael	University of San Francisco School of Law
Keaton Maring	University of San Francisco School of Law
Kristen Houlton Shaw	University of San Francisco School of Law
Shalah E. Hamza	University of San Francisco School of Law
Tyler Zelazny	University of San Francisco School of Law
Azura Jorda	University of San Francisco School of Law
Gabriela Gutierrez-Bravo	University of San Francisco School of Law
Georgia Anne Mattar	University of South Carolina Joseph F. Rice School of Law
Alejandro Valdivia	University of Southern California Gould School of Law
Nadine Chen	University of Southern California Gould School of Law
Brandon Kriplean	University of Tennessee College of Law
Camille Alley	University of Tennessee College of Law
Catherine Greco	University of Tennessee College of Law
Cheyenne Peters	University of Tennessee College of Law
Gavin Wride	University of Tennessee College of Law

Jacob Manning	University of Tennessee College of Law
James Conner Mitchell	University of Tennessee College of Law
Jenna Santero	University of Tennessee College of Law
Joseph Espinal	University of Tennessee College of Law
Katie Bailes	University of Tennessee College of Law
Madison Campbell	University of Tennessee College of Law
Nicholas Slusher	University of Tennessee College of Law
Nicklaus Proctor	University of Tennessee College of Law
Olutayo Alston	University of Tennessee College of Law
Paige Wiebelhaus	University of Tennessee College of Law
Sara Andersen	University of Tennessee College of Law
Ziyan Jahangir	University of Tennessee College of Law
Grant C. Peterson	University of Tennessee College of Law
Hunter Carr	University of Tennessee College of Law
Katelyn DeReus	University of Tennessee College of Law
Lucy Marie Potter	University of Tennessee College of Law
Steven Boothby	University of Tennessee College of Law
Ali Hamza	University of Texas School of Law
Blaine Campbell	University of Texas School of Law
Brennan Caruthers	University of Texas School of Law
Cate Byrne	University of Texas School of Law
Chad Youmans	University of Texas School of Law
Christopher Jordan	University of Texas School of Law
Emma Hoffman	University of Texas School of Law
Jack O'Neil	University of Texas School of Law
Jack Reboul	University of Texas School of Law
Joseph Kudler	University of Texas School of Law
Kelly Hogan	University of Texas School of Law
Madeline Love	University of Texas School of Law
Maxwell Wilder Martucci	University of Texas School of Law
Nickoli Benkert	University of Texas School of Law
Will Bonds	University of Texas School of Law
Meera Sam	University of Texas School of Law
Sri Senthilkumar	University of Texas School of Law
Dameka Black	University of the District of Columbia David A. Clarke School of Law
Latreal Harmon	University of the District of Columbia David A. Clarke School of Law
Shayla Andrews	University of the District of Columbia David A. Clarke School of Law

James Benjamin Gontarski	University of the District of Columbia David A. Clarke School of Law
Kayla Mozier	University of the District of Columbia David A. Clarke School of Law
Kramer Phillips	University of the District of Columbia David A. Clarke School of Law
Mandy Ross	University of the District of Columbia David A. Clarke School of Law
John Daniels	University of the District of Columbia David A. Clarke School of Law
Olivia Acosta	University of the District of Columbia David A. Clarke School of Law
Justin Breen	University of the Pacific, McGeorge School of Law
Madison Smith	University of Toledo College of Law
McKenna Schultz	University of Toledo College of Law
Jacob Landry	University of Tulsa College of Law
William Lovell	University of Utah S.J. Quinney College of Law
Anna Figueroa	University of Virginia School of Law
Asher Quesenberry	University of Virginia School of Law
Audrey Felton	University of Virginia School of Law
Brooke Shanks	University of Virginia School of Law
Christy Bolin	University of Virginia School of Law
Elizabeth Gaccione	University of Virginia School of Law
Emily Liu	University of Virginia School of Law
Hannah Borja	University of Virginia School of Law
Jacob Zahalsky	University of Virginia School of Law
James Pierpoint	University of Virginia School of Law
John Henry Vansant	University of Virginia School of Law
Kiara Jimenez	University of Virginia School of Law
Mary Esther Pilant	University of Virginia School of Law
Natasha Holtman	University of Virginia School of Law
Preston Bowden	University of Virginia School of Law
Shreya Hurli	University of Virginia School of Law
Simeon Daferede	University of Virginia School of Law
Marissa Varnado	University of Virginia School of Law
Ariam Kiflemariam	University of Washington School of Law
Devina Stone	University of Washington School of Law
Elizabeth Stanton	University of Washington School of Law
Ella Van Troba	University of Washington School of Law
Jake Ferrera	University of Washington School of Law
Jasper Fey	University of Washington School of Law
Lee Smith	University of Washington School of Law

Madison Harasek	University of Washington School of Law
Madison Warnock	University of Washington School of Law
Natalie Berg	University of Washington School of Law
Ruby Grossman	University of Washington School of Law
Ryan Culpeper	University of Washington School of Law
Victoria Kirk	University of Washington School of Law
Vivian Hernández	University of Washington School of Law
Zachary L. Hentzel	University of Washington School of Law
Armen Bashian	University of West Los Angeles School of Law
Alex Richardson	University of Wisconsin Law School
Allyson Berri	University of Wisconsin Law School
Andrew Monserud	University of Wisconsin Law School
Brandon Pope	University of Wisconsin Law School
Caleb Baird	University of Wisconsin Law School
Ellen Gaul	University of Wisconsin Law School
Gopi Ramanathan	University of Wisconsin Law School
Paul Willferd Trebing	University of Wisconsin Law School
Gabrielle Little	University of Wisconsin Law School
Andrea Briscoe	Vermont Law and Graduate School
Krista M. Wirth	Vermont Law and Graduate School
Andrew Tepeneu	Villanova University Charles Widger School of Law
Anthony Ryback	Villanova University Charles Widger School of Law
Anthony Williams III	Villanova University Charles Widger School of Law
Carlos Enrique Juarez	Villanova University Charles Widger School of Law
Courtney Marthens	Villanova University Charles Widger School of Law
Elizabeth Rivette	Villanova University Charles Widger School of Law
Hanna Lambert	Villanova University Charles Widger School of Law
Hannah Posencheg	Villanova University Charles Widger School of Law
Ian Malone	Villanova University Charles Widger School of Law
Joshua	Villanova University Charles Widger School of Law
Josiah B. Harmar	Villanova University Charles Widger School of Law
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Madeline Maday	Villanova University Charles Widger School of Law
Mark J. Metzler	Villanova University Charles Widger School of Law
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Rachael Soroski Smith	Villanova University Charles Widger School of Law
Ronan Egan	Villanova University Charles Widger School of Law
Ryan Roe	Villanova University Charles Widger School of Law
S.K. Pilcher	Villanova University Charles Widger School of Law
Tiffany Nguyen	Villanova University Charles Widger School of Law
Victoria Marchesano	Villanova University Charles Widger School of Law

Christian Harrison	Wake Forest University School of Law
Leah Ray Necas	Wake Forest University School of Law
LilyAnne Rodriguez	Wake Forest University School of Law
Martin Flores	Washington and Lee University School of Law
Shweta Karmakar	Washington and Lee University School of Law
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Thomas Khristenko	Washington University School of Law
Kyle Gineman	Wayne State University Law School
Lizbeth Lopez-Bermúdez	Wayne State University Law School
Michele Champeau	West Virginia University College of Law
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William Larsen	West Virginia University College of Law
Erick A. Ruiz	Western State College of Law at Westcliff University
Paige Oustrich	Widener University Commonwealth Law School
Bethany Wilson	Widener University Delaware Law School
Morgan Everman	Widener University Delaware Law School
Joshua M. Sheen	Willamette University College of Law
Madison Macon	Willamette University College of Law
Alexander Smith	William & Mary Law School
Audrey Coffey	William & Mary Law School
Benjamin Richmond	William & Mary Law School
Daniel Ogden	William & Mary Law School
Daniella Relvas-Veliadis	William & Mary Law School
Eda Tercan	William & Mary Law School
Elisabeth Freedman	William & Mary Law School
Elle Rickman	William & Mary Law School
Emma Guirlinger	William & Mary Law School
Greg Fowler	William & Mary Law School
Hampton Bryant	William & Mary Law School
Harshil Patel	William & Mary Law School
Isabelle Auble	William & Mary Law School
Jenna Singer	William & Mary Law School
Jennifer Andino Cruz	William & Mary Law School
John Thayer	William & Mary Law School
Katherine Smart	William & Mary Law School

Kelly Adam	William & Mary Law School
Mary Gorham	William & Mary Law School
Miranda Arendt	William & Mary Law School
Natalie Hatton	William & Mary Law School
Patrick J. LaBella	William & Mary Law School
Sarah McGovern	William & Mary Law School
Silvio Renna	William & Mary Law School
Willow Hasson	William & Mary Law School
Zoe Elmas	William & Mary Law School
Alexandria Shearer	William & Mary Law School
Emma Cordes	William & Mary Law School
Hailey Arnett	William & Mary Law School
Krishan Patel	William & Mary Law School
Liz Cotter	William & Mary Law School
Dalton Connor Lahti	Wilmington University School of Law
Carter Squires	Yale Law School
Jenn Dikler	Yale Law School
Jordan Cozby	Yale Law School
Keegan Vacanti	Yale Law School
Krister Rasmussen	Yale Law School
Nicolas J. Madan	Yale Law School
Raymond Perez	Yale Law School
Sahil Alim	Yale Law School
Saman Haddad	Yale Law School

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Arizona State University School of Law - American Constitution Society

Benjamin N. Cardozo School of Law - Public Interest Law Student Association

Benjamin N. Cardozo School of Law - National Lawyers Guild

Berkeley Journal of International Law

Boston College Law School - Plaintiffs' Law Association

Brooklyn Law School - Black Law Students Association

Chicago-Kent College of Law - Student Bar Association

Columbia Law School - Plaintiffs' Law Association

George Washington University Law School - Plaintiffs' Law Association
Georgetown University Law Center - Abolition Advocacy Project
Georgetown University Law Center - American Constitution Society
Georgetown University Law Center - Coalition for Justice
Georgetown University Law Center - If/When/How
Georgetown University Law Center - Plaintiffs' Law Association
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Georgia State University College of Law - National Lawyers Guild
Harvard Law School - Plaintiffs' Law Association
Maurice A. Deane School of Law at Hofstra University - Black Law Students
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Maurice A. Deane School of Law at Hofstra University - Journal of Social Change and
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National Plaintiffs' Law Association
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University of California, Berkeley School of Law - California Law Review
University of California, Berkeley School of Law - Consumer Advocacy & Protection
Society
University of California, Berkeley School of Law - Law Students of African Descent

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Student Association

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with Local Civil Rule 7(o)(4) and does not exceed 25 pages. I further certify that the attached *amicus* brief complies with the typeface and type style requirements of Local Rule 5.1(d) because it has been prepared in a proportionally spaced typeface used Microsoft Word and 12-point Times New Roman font.

Respectfully submitted,

/s/ Jordan K. Merson

Jordan K. Merson

D.C. Bar No. 501015

Kline Specter, PC

950 3rd Avenue, 18th Floor

New York, NY 10022

(212) 603-9100 (phone)

(347) 441-4171 (fax)

jordan.merson@klinespecter.com

Counsel for Amici Curiae

Dated: April 25, 2025